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PART IV

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 2nd January, 2008.

No.JHADC/ASFM/M/4/2006-07/7.—In pursuance of Section 4 of the Jaintia Hills Autonomous District Council, (Management and Control of Markets) Regulation 1975, the Executive Committee, Jaintia Hills Autonomous District Council on the application and prayer of Shri Soowon Langtang of Narwan Village, Jaintia Hills and after due regards to the needs of the people of the area and other neighbouring areas, their economic well being and suitability or otherwise of the village, is pleased to establish a private market at Daitpu, Narwan Village Elaka Shangpung.

The location boundaries and areas of the market are shown below :-

North - Jaka u Soowon Langtang, Narwan.

East - Jaka ka Amra Shadap, Narwan.

South - Jaka ka Bang Langtang, Narwan.

West - Hali ka Melin Shadap, Narwan.

Area - 4590 Sq. Mts. (Approx).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 10th January, 2008.

No.JHADC/GENL/15/2000/64.—The Executive Committee Jaintia Hills Autonomous District Council, Jowai is pleased to accept the resignation of Shri M. B. Rymbai, M.D.C. from the Post of *Vice-Chairman*, Land Revenue and Land Reform Committee Jaintia Hills Autonomous District Council, Jowai with effect from 13th December, 2007 (Forenoon).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 10th January, 2008.

No.JHADC/GENL/47/1994/135.—The Executive Committee Jaintia Hills Autonomous District Council, Jowai is pleased to accept the resignation of Shri H. Lamin, M.D.C. from the Post of *Vice-Chairman*, Planning Board, Jaintia Hills Autonomous District Council, Jowai with effect from 13th December, 2007 (Forenoon).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 10th January, 2008.

No.JHADC/GENL/388/84/198.—The Executive Committee Jaintia Hills Autonomous District Council, Jowai is pleased to accept the resignation of Shri P. Tangliang, M.D.C. from the Post of *Chairman* of Customary Law Committee, Jaintia Hills Autonomous District Council, Jowai with effect from 13th December, 2007 (Forenoon).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 10th January, 2008.

No.JHADC/GENL/34/2001/56.—The Executive Committee Jaintia Hills Autonomous District Council, Jowai is pleased to accept the resignation of Shri P. Rymbai, M.D.C. Jaintia Hills Autonomous District Council, Jowai from the Post of *Chairman* of Boundary Committee, Jaintia Hills Autonomous District Council, Jowai with effect from 13th December, 2007 (Forenoon).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 10th January, 2008.

No.JHADC/GENL/15/1991/150.—The Executive Committee Jaintia Hills Autonomous District Council, Jowai is pleased to accept the resignation of Shri S. Garod, M.D.C. from the Post of *Vice-Chairman Resources Mobilisation Committee*, Jaintia Hills Autonomous District Council, Jowai with effect from 13th December, 2007 (Forenoon).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 10th January, 2008.

No.JHADC/GENL/35/2001/46.—The Executive Committee Jaintia Hills Autonomous District Council, Jowai is pleased to accept the resignation of Shri P. Lyngdoh, M.D.C. from the Post of *Vice-Chairman Housing Committee*, Jaintia Hills Autonomous District Council, Jowai with effect from 14th December, 2007 (Forenoon).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 10th January, 2008.

No.JHADC/GENL/15/1991/149.—The Executive Committee Jaintia Hills Autonomous District Council, Jowai is pleased to accept the resignation of Shri A. Dkhar, M.D.C. from the Post of *Vice-Chairman Resources Mobilisation Committee*, Jaintia Hills Autonomous District Council, Jowai with effect from 13th December, 2007 (Forenoon).

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

The 9th January, 2008.

The following Licence is hereby published for general information of the public.

LICENCE

TO SOLEMNISE MARRIAGE AND GRANT A CERTIFICATE OF MARRIAGE

NO.JHADC/GENL/MARR - 166

No.JHADC/GENL/MARR/62/87/349.—In exercise of the power conferred under Section 6 of the Indian Christian Marriage Act 1872 (Act No. XV of 1872) as adopted and made applicable by the Jaintia Hills Autonomous District Council, the Executive Committee, Jaintia Hills Autonomous District Council, Jowai is pleased to grant a Licence to **Rev. H. S. Khongkiam**, Pastor of the Church of God and authorized him to solemnise marriage in accordance with relevant provisions and procedures of the aforesaid Act and to grant a Certificate of Marriage to persons one or both of whom is or are Christian belonging to the Church of God.

This Licence is applicable to the areas within Jaintia Hills only and may be revoked by a like Notification in the Official Gazette.

S. PDE,
Secretary,
Executive Committee,
Jaintia Hills Autonomous District Council, Jowai.

**BEFORE THE REGISTRATION AUTHORITY,
KHASI HILLS AUTONOMOUS DISTRICT COUNCIL,
SHILLONG.**

In the Matter of

Ka Seng Tipkur Tipkha U Khasi,

- Versus -

Mr. Waibha K. Kyndiah

ORDER.

The instant proceeding has been initiated on the basis of a complaint filed by "Ka Seng Tipkur Tipkha U Khasi" represented by Mr. Lewis B. Lyngdoh and Mr. Hercules Kharbuli, supported by an Affidavit praying for a declaration under Section 10 of The Khasi Hills Autonomous District (Social Custom of Lineage Act) 1997 hereinafter referred to as "The Act" to the effect that Shri W. K. Kyndiah son of Mr. P. R. Kyndiah has ceased to be a Khasi and thus has lost his Khasi status.

The copy of the complaint was duly served upon Shri Waibha K. Kyndiah and he has also filed his reply to the said complaint on 24th January, 2008. Thereafter, as per date fixed, this matter was heard in the presence of the complainant and the opposite party Mr. Waibha K. Kyndiah represented by his counsels learned Senior Advocate Mr. K. S. Kynjing assisted by Advocates Mr. H. Kharmih and Mr. S. M. Suna. It is contended by the complainant that as per the time honoured prevailing Khasi Customary Law of Lineage, a Khasi is always to be known by the kur or jait of his/her mother and his/her matriarchal clan which is the basic fundamental and mandatory principle of Khasi customary law which has since been codified under the Act. It is further contended that Mr. Waibha K. Kyndiah having violated the aforesaid mandate of Khasi Lineage system by adopting, using and being known by the Jait/Kur of his father i.e. Kyndiah, he has violated the aforesaid basic Khasi Law of Lineage and thus has ceased to be a Khasi and liable to be declared as such.

The Opposite Party, Mr. Waibha K. Kyndiah in his written reply at paragraphs 1 to 9 has basically raised the issues regarding maintainability of the complaint on the basis of Locus standi of the complainants, the form of the complaint and my jurisdiction to decide the complaint. He has also stated that the Act is yet to be notified in the Gazette and hence is yet to come to force.

In the course of hearing, the complainant has filed copies of the Photo Identity Card based on the electoral Roll, 2008 of No. 26 Nongkrem (ST) Constituency, the genuineness or truthfulness of which is not contested by the Opposite Party.

Although, the preliminary point of maintainability as raised by the Opposite Party has not been pressed during hearing, I have the duty nevertheless to answer the same.

The Khasi Hills Autonomous District (Social Custom of Lineage) Act., 1997 was passed by the Khasi Hills Autonomous District Council on 13th March, 1997 under powers conferred under paragraph 3 of the Sixth Schedule to the Constitution of India. The said Act was assented by the Governor of Meghalaya on 23rd February, 2005 and was duly published in the Gazette of Meghalaya dated 25th February, 2005. As per the mandate of Section 1 (2) of the Act, the Act thus came into force on publication in the Official Gazette. Thereafter, I was appointed as the Registration Authority under Section 2 (n) of the Act and the same was also duly notified in the Gazette of Meghalaya. The Rules under the Act have also since been framed and notified in the Gazette of Meghalaya on 10th January, 2008. There is nothing in the Act or the Rules debarring the complainant of the instant complaint from filing the complaint. Further, the complaint has been filed by fulfilling the requirements prescribed under the Rules. Hence, the preliminary objections raised by the Opposite Party are answered in the negative.

Now, regarding the main dispute - the complainant while pressing the complaint has further claimed that for all intents and purposes the Opposite Party has for all purposes adopted his father's Jait/Clan and is known by the Jait 'Kyndiah' and the same is even apparent on the face of the record of the Voters Identity Card. In reply Mr. Kynjing, learned Senior Counsel while admitting that the Opposite Party is the son of Mr. P. R. Kyndiah (father)

and Mrs. Gavy Khyriem, contends that the Opposite Party has adopted the Jait/Clan name of both his parents inasmuch as the middle name 'K' in his name signifies his mother's 'Clan Khyriem'. He further submitted that a Khasi can adopt both the Kur/Jait of his parents which according to him is also a practice in vogue. However, he has failed to substantiate his claim in course of his argument by producing any material or evidence.

The Act itself has mandated that the Khasi society is essentially matriarchal in nature. In this context it is worthwhile to quote the following words of Major P. R. T. Gurdon from his famous book 'The Khasis' as appearing in 2nd paragraph of the chapter "The Khasis Inheritance":-

"The Khasi saying is "Long Jaid naka Kynthe" (from the woman sprang the clan). The Khasis, when reckoning descent, count from the mother only; they speak of a family of brothers and sisters, who are the great grandchildren of one great grand-mother, as shi kpoh, which, being literally translated, is one womb, i.e. the issue of one womb. The man is nobody. If he is a brother, U Kur, a brother being taken to mean an uterine brother, or a cousin-german, he will be lost to the family or clan directly he marries. If he is a husband, he is looked upon merely as U Shongkha, a begetter."

Similarly, the opening words of Sir Keith Cantlie's 'NOTES ON KHASI LAW' starts with the following words :-

"The society is matriarchal. Descent is reckoned from the mother alone. The children belong to the clan of the mother, not to that of the father."

This age - old time honoured Khasi Customary Law of Lineage which is in practice till date has only been codified by the Act of the Khasi Hills Autonomous District Council.

There is no contest at bar to the effect that Khasi society is essentially and purely matriarchal in nature and a Khasi to be identified as a Khasi has to be compulsorily known by his mother's Jait/ Clan. What is contended by the Opposite Party is that he can be known by the Jait/Clan of both his parents. In the absence of any clinching evidence to that effect I am unable to accept this argument of the Opposite Party. The Opposite Party further contends that he has also used his mother's clan identity by way of using 'K' as his middle name. But, the un rebutted fact remains that the Opposite Party is using the jait or kur of his father and is openly known by Mr. Kyndiah instead of Mr. Khyriem.

Hence, the Opposite Party has clearly violated the provisions of Section 3(1)(a) of the Act and has consequently attracted the provisions of Section 10 (l) (b), (c) and (d) of the Act.

The Act has come into force on and from 25th February, 2005. Even otherwise the Act is only a codification of the prevailing Khasi Customary Law which is being practiced since time immemorial. The noted writer Shri. J. N. Choudhury has also confirmed this position at page 204 of his book "The Khasi People" by saying ".....the matrilineal structure of the Khasi society is as sound today as it was ever before".

Consequently, in the light of the discussion above I reach the inevitable conclusion that Mr. Waibha K. Kyndiah having clearly violated the mandates of Section 3 of the Act has ceased to be a Khasi and lost his Khasi status under the mandate of Section 10 of the Act.

Ordered accordingly. The complaint petition is disposed of finally with the declaration that Mr. Waibha K. Kyndiah has ceased to be a Khasi and has lost his Khasi status.

Registration Authority,
Khasi Hills Autonomous District Council,
Shillong.